

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

JOHN MARGETIS, et al.

Plaintiffs,

VS.

HON. WILLIAM ROYAL FERGUSON, et al.

Defendants.

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CASE NO. 4:12-cv-753

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On September 13, 2013, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants the Hon. William Royal Furgeson, Jr., the Hon. Stacey G. C. Jernigan, and Deputy U.S. Marshal John Barron's Motion to Dismiss for Lack of Subject Matter Jurisdiction and for Failure to State a Claim (Dkt. 16) be **GRANTED**, that all named Defendants and doe Defendants be dismissed with prejudice, and that all costs be charged to Plaintiffs.

The court has made a *de novo* review of the objections raised by Plaintiffs and Defendants' response (*see* Dkts. 30 & 33) and is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections are without merit as to the ultimate findings of the Magistrate Judge. The court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

Therefore, Defendants the Hon. William Royal Furgeson, Jr., the Hon. Stacey G. C. Jernigan, and Deputy U.S. Marshal John Barron's Motion to Dismiss for Lack of Subject Matter Jurisdiction

and for Failure to State a Claim (Dkt. 16) is **GRANTED**, all named Defendants and doe Defendants are dismissed with prejudice, and all costs shall be charged to Plaintiffs.

The court will address Defendants' Motion for Sanctions (Dkt. 34) in a separate order.

IT IS SO ORDERED.

SIGNED this the 10th day of January, 2014.

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive, flowing style. The first name "Richard" is written with a large, prominent "R". The middle initial "A." is written in a smaller, more compact script. The last name "Schell" is written with a large, prominent "S" and a long, sweeping tail that extends to the right.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE